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9 VALLEY UNIFIED SCHOOL DISTRICT;
10 EDWARD WONG, TRICIA OSBORNE, and
11 CHAD JOHNSON

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILLIP BELL JR.; LORNA BARNES; and
ANTHONY BARNES.

Plaintiffs,

v.

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT; KLUTCH SPORTS;
NEXT LEVEL SPORTS & ACADEMICS;
and ISAHIA SANDOVAL; EDWARD
WONG TRICIA OSBORNE, CHAD
JOHNSON; STEVE BRISCOE, and DOES 1-
20 in their individual and official capacities.

Defendants.

Case No. 3:24-cv-05545-JCS

**REPLY TO PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT FOR
IMPROPER VENUE, PURSUANT TO
RULE 12(B)(3), FEDERAL RULES OF
CIVIL PROCEDURE**

ORAL ARGUMENT REQUESTED

Date: January 8, 2026

Time: 2:00 P.M.

Courtroom.: 6

Assigned to: Hon. Judge Jon S. Tigar

I. INTRODUCTION TO REPLY

Defendants, SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT (“District”); EDWARD WONG, TRICIA OSBORNE, and CHAD JOHNSON (“District Individual Defendants”), submit this Reply Brief in response to Plaintiffs’ Opposition to Defendants’ Motion to Dismiss pursuant to Rule 12(b)(3). (Dkt. 119.) Plaintiffs’ Opposition fails to cure the deficiencies identified in Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint. (“SAC”) Specifically, Plaintiffs failed to oppose the argument that ***there are no Defendants left, who are residents of this judicial district*** after this Court has dismissed the Defendant Next Level, who was the only Defendant, named in the SAC, alleged to reside within the Northern District of California. (RJN ¶ 1; SAC ¶ 16.) As such, as established by the Supreme Court of the United States, “When venue is challenged, the court must determine whether the case falls within one of the three categories of courts in which a civil action may be brought, as set out in the statute governing venue generally; if it does, venue is proper, ***but if it does not, venue is improper, and the case must be dismissed or transferred.*** 28 U.S.C.A. §§ 1391, 1406(a).” (*Atl. Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Texas*, 571 U.S. 49, 56 (2013).) (***emphasis added.***)

16 Plaintiffs further opposed the Defendant's Motion to dismiss SAC based on the fact that
17 Plaintiffs sought the leave of this Court to file a Third Amended Complaint ("TAC"), which asserts
18 causes of action against Defendants residing in the Northern Judicial District (Dkt. 117.) However,
19 this assertion may not be the appropriate basis for Plaintiffs' Opposition as, first, the Plaintiffs'
20 Motion to amend and file the TAC has not been adjudicated yet, and, second, the third amendment
21 is grounded on inadmissible evidence and unsupported factual allegations as separately argued in
22 the Defendants' Opposition to Plaintiff's Motion for Leave to Amend. (RJN ¶ 2.) Therefore, the
23 Court should dismiss Plaintiff's Second Amended Complaint without leave to amend based on
24 improper venue, pursuant to Federal Rule of Civil Procedure 12(b)(3).

II. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiffs PHILLIP BELL JR., LORNA BARNES, and ANTHONY BARNES (hereinafter “Plaintiffs”) are the father and grandparents of PHILLIP III, a former student and a football player at Mission Viejo High School. (SAC ¶¶10-12) Plaintiffs allege that the District ignored the Court

1 Order regarding the return of PHILLIP III to Sacramento immediately after his first semester at
 2 MISSION. (SAC ¶62.) As Plaintiffs specified in their SAC, all District and District Defendants sued
 3 in their official capacities, are located at 25631 Peter A. Hartman Way, Mission Viejo, CA 92691-
 4 3142 (SAC ¶ 13), which is in Orange County, California, which falls under the jurisdiction of the
 5 United States District Court for the Central District of California.

6 On October 8, 2025, this Court entered an Order resolving all named Defendants' Motions
 7 and dismissed Plaintiffs' claims against CIF, Next Level, and Briscoe without leave to amend. (Dkt.
 8 110). The Court further dismissed Plaintiffs' civil conspiracy claim without prejudice. (Id.). As
 9 Defendant Next Level was the only Defendant, named in the SAC, alleged to reside within the
 10 Northern District of California. (RJN ¶ 1; SAC ¶ 16) and, upon Court's dismissal of all Plaintiff's
 11 claims against the Defendant Next Level, ***there are no Defendants left, which are residents of this***
 12 ***judicial district.*** On October 21, 2025, based on the fact that venue was no longer proper under 28
 13 U.S.C. § 1391(b)(1), District Defendants filed a Motion to dismiss Plaintiffs' SAC pursuant to
 14 Federal Rule of Civil Procedure ("Rule") 12(b)(3). (Dkt. 113.) Plaintiffs' Opposition to the District
 15 Defendants' Motion to dismiss SAC was due on or before November 5, 2025. However, Plaintiffs
 16 did not file a timely Opposition, and, instead, on November 10, 2025, filed a Motion for leave to
 17 file the Opposition out of time. (Dkt. 118.) Plaintiffs attached the purported Opposition to their
 18 Motion. (Dkt. 119.) Furthermore, Plaintiffs' Counsel has never contacted the Defense Counsel to
 19 meet and confer and stipulate to the extension of time before Plaintiffs' Response to the Defendants'
 20 Motion to dismiss the SAC was due. (Dec AND ¶ 6.)

21 Plaintiffs further opposed the Defendant's Motion to dismiss SAC based on the fact that
 22 Plaintiffs sought the leave of this Court to file a Third Amended Complaint ("TAC"), which asserts
 23 causes of action against Defendants residing in the Northern Judicial District (Dkt. 117.) However,
 24 this assertion may not be the appropriate basis for Plaintiffs' Opposition as, first, the Plaintiffs'
 25 Motion to amend and file the TAC has not been adjudicated yet, and, second, the third amendment
 26 is grounded on inadmissible evidence and unsupported factual allegations as separately argued in
 27 the Defendants' Opposition to Plaintiff's Motion for Leave to Amend. (RJN ¶ 2.) Therefore, the
 28 Court should dismiss Plaintiff's Second Amended Complaint without leave to amend based on

improper venue, pursuant to Federal Rule of Civil Procedure 12(b)(3).

III. LAW AND ARGUMENT

A. Venue is Improper in this Matter based on 28 U.S.C. § 1391(B)(1).

Plaintiffs filed their SAC against Defendants Briscoe, Next Level, CIF, Saddleback Valley Unified School District, and individual District Defendants. (RJN ¶ 1.) District and District Defendants are located at 25631 Peter A. Hartman Way, Mission Viejo, CA 92691-3142 (SAC ¶ 13), which is in Orange County, California, which falls under the jurisdiction of the United States District Court for the Central District of California. Furthermore, per SAC, all events that gave rise to the alleged Plaintiffs' claims happened within the boundaries of the Saddleback Valley Unified School District. (RJN ¶ 1.) However, after this Court has dismissed the Defendant Next Level, who was the only Defendant named in the SAC and alleged to reside within the Northern District of California, there are ***no Defendants left who are residents of this judicial district.*** (RJN ¶ 1; SAC ¶ 16.)

14 Federal Rule of Civil Procedure (“Rule”) 12(b)(3) provides that a party may move to dismiss
15 a case for “improper venue.” Furthermore, “When the propriety of venue is challenged by a Rule
16 12(b)(3) motion, Plaintiff bears the burden of establishing proper venue.” (*Piedmont Label Co. v.*
17 *Sun Garden Packing Co.*, 598 F.2d 491, 496 (9th Cir. 1979).) Therefore, with the instant Motion,
18 Defendants contend that, upon the dismissal of the Defendant Next Level, the only Defendant
19 residing within the instant judicial district, the United States District Court for the Northern District
20 of California is no longer a proper venue for this matter. As such, as established by the Supreme
21 Court of the United States, “When venue is challenged, the court must determine whether the case
22 falls within one of the three categories of courts in which a civil action may be brought, as set out
23 in the statute governing venue generally; if it does, venue is proper, ***but if it does not, venue is***
24 ***improper, and the case must be dismissed or transferred.*** 28 U.S.C.A. §§ 1391, 1406(a).” (*Atl.*
25 *Marine Const. Co. v. U.S. Dist. Ct. for W. Dist. of Texas*, 571 U.S. 49, 56 (2013).) (***emphasis added***)
26 Plaintiffs failed to oppose the venue argument in their Opposition, and, therefore, Defendants’
27 Motion to Dismiss Plaintiffs’ SAC must be granted.

28 | //

1 Plaintiffs attempted to oppose the Defendant's Motion to dismiss SAC based on the fact that
 2 Plaintiffs sought the leave of this Court to file a Third Amended Complaint ("TAC"), which asserts
 3 causes of action against Defendants residing in the Northern Judicial District (Dkt. 117.) However,
 4 this assertion may not be the appropriate basis for Plaintiffs' Opposition as, first, the Plaintiffs'
 5 motion to amend and file the TAC has not been adjudicated yet, and, second, the third amendment
 6 is grounded on inadmissible evidence and unsupported factual allegations as separately argued in
 7 the Defendants' Opposition to Plaintiff's Motion for Leave to Amend. (RJN ¶ 2.) Therefore, the
 8 Court should dismiss Plaintiff's Second Amended Complaint without leave to amend based on
 9 improper venue, pursuant to Federal Rule of Civil Procedure 12(b)(3).

10 **IV. CONCLUSION**

11 Defendants respectfully request this Court to dismiss Plaintiff's Second Amended Complaint
 12 pursuant to Federal Rule of Civil Procedure 12(b)(3) or, alternatively, transfer it to the United States
 13 District Court for the Central District of California.

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 15
 16 Dated: November 24, 2025

DeMaria Law Firm, APC

17
 18 By: _____ */s/Anthony N. DeMaria*
 19 Anthony N. DeMaria
 20 Attorneys for Defendants, SADDLEBACK
 21 VALLEY UNIFIED SCHOOL DISTRICT;
 22 EDWARD WONG, TRICIA OSBORNE, and
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